IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

BAIL APPLICATION NO. 4238 OF 2004
IN
CRIMINAL APPEAL NO. 1169 OF 2004

Shivkumar Bhagwati Prasad Gupta ..Applicant

Versus

The State of Maharashtra .. Respondent

..

Mr.A.R.Prajapati for Applicant

Mr.D.R.Adsule A.P.P. for Respondent

CORAM : V.M.KANADE, J

DATE: 12th, October, 2004

P.C.:

1. Heard learned counsel for the applicant and learned A.P.P. for the State.

2. Learned counsel appearing on behalf of the applicant has produced a copy of the depositions of the witnesses examined by the prosecution in support of its case. From a perusal of the deposition of these witnesses, it is clear that the accused had tortured his wife and and had brought her to the brink of committing suicide. From the evidence of the mother of the deceased, it is brought on record that he used to beat her mercilessly and used to suspect her character. She has also stated that on the date of the incident when she wanted to go back to her house and she had gone half way, the accused followed her and dragged her back to the house as a result of which she received injuries on her knees and on her face. The deceased had also informed her mother that the accused used to give burn injuries with cigarettes on her body. After she had become pregnant, he suspected that he was not the father of the child and used to harass her on that count also. The trial Court has convicted the accused under section 498A read with section 306 IPC.

3. I have perused the depositions of other witnesses also. In my view, this is not a fit case where the applicant is entitled to be released on bail. His application for bail is therefore rejected. However, liberty is given to the applicant to apply for bail if the appeal is not heard within a reasonable period of time.

V.M.KANADE, J